UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT WINCHESTER

| UNITED STATES OF AMERICA |) | |
|--------------------------|---|----------------------|
| |) | |
| vs. |) | |
| |) | Mag. No. 4-12-MJ-251 |
| |) | |
| EDUARDO MORALES-COTTO |) | |

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing was held in this action on August 9, 2012. Those present included:

- (1) AUSA Jay Woods for the United States of America.
- (2) The defendant, EDUARDO MORALES-COTTO.
- (3) Attorney Aubrey Harper for defendant.
- (4) Homeland Security Investigator Clint Cantrell.
- (5) Deputy Clerk Kelli Jones.
- (6) Court Reporter Shannan Andrews.
- (7) Interpreter George Carbajosa for defendant.

Upon being sworn the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant acknowledged he had received a copy of the Criminal Complaint. It was determined he was capable of being able to read and understand these proceedings.

Preliminary Hearing - Proof

AUSA Woods called Homeland Security Investigator Clint Cantrell as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Investigator Cantrell during the preliminary hearing and the Affidavit/Complaint, the undersigned finds:

(1) There is probable cause to believe that there has been a violation of 8 U.S.C. § 1326 reentry of a removed alien.

- (2) There is probable cause to believe the defendant committed the aforesaid offenses.
- (3) The proof the defendant committed the aforesaid offense is strong.

Conclusions

It is ORDERED:

- (1) The defendant is held to answer the charges against him in the District Court.
- (2) The defendant's next appearance shall be held at 2:00 p.m. on Wednesday, August 29, 2012.

ENTER.

S / William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE